



**Lewis
Baach
Kaufmann
Middlemiss**
PLLC

Arthur D. Middlemiss
212 822 0129
arthur.middlemiss@lbkmlaw.com

May 5, 2023

VIA ECF

Honorable Diane Gujarati
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States of America v. Asre, et. al.*, No. 21-cr-00174-DG-2

Dear Judge Gujarati:

We represent Defendant Hanan Ofer in the above-referenced matter. For the reasons stated below, we respectfully request that the Court adjourn the date for Mr. Ofer's sentencing to July 11, 2023, if that date is convenient to the Court, or otherwise as the Court would require. The sentencing date is currently May 26, 2023. We have consulted with the Government and are informed that the Government consents to the request.

Mr. Ofer informs us that he requires a coronary angiogram procedure and that the first available date for surgery is May 26, 2023, i.e., the date of the scheduled sentence. We communicated with Mr. Ofer regarding whether it was possible for him to delay the procedure until after sentencing. We were informed yesterday that his doctors have advised him to undergo the procedure as soon as possible. We are further informed that Mr. Ofer has noted a significant deterioration in his health (he is an individual with a military background who is devoted to physical fitness and cannot conduct his normal exercise regime as a result of this condition). We note that there is a history of coronary disease in Mr. Ofer's family; per Mr. Ofer, he lost his sister because a similar procedure was delayed once diagnosed. We are informed that a month-long recovery period is recommended.

The defense sentencing submission is scheduled to be submitted today. The defense is prepared to file the submission on schedule.

The Probation Department previously requested, and was granted, an adjournment to Mr. Ofer's sentencing proceeding from January 18, 2023 to March 17, 2023.

On February 22, 2023, Mr. Ofer requested that the Court grant an adjournment of the sentence date from March 17, 2023 to April 17, 2023. The defense made the request to provide

time for the defense and the Government time to object to the Probation Department's Presentence Investigation Report ("PSR"). The Government consented to the request. The Court granted an adjournment of the sentence date to May 26, 2023.

On March 22, 2023, the defense asked the Court to grant a five-day adjournment of the date to file objections to the PSR to give the defense and the Government additional time to discuss factual issues that would form the basis of the above-referenced objections. The Government consented to the request. The Court granted the requested extension.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Arthur D. Middlemiss', followed by a horizontal line.

Arthur D. Middlemiss

Cc: All parties of record (via ECF)